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REMARKS

In view of the non-entry of the Applicants previous specification amendments the Applicant believes that the re-entered specification amendments and form above comply with patent office rules and procedures. If any specific further amendments are necessary the Examiner is courteously invited to contact the undersigned Attorney of Record to discuss the same.

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein. New formal drawings, incorporating the requested amendments, will follow once the requested drawing amendments are approved by the Examiner. If any further amendment to the drawings of this application is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Claims 14-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly rewritten as new claims 27-39, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 14-26 are rejected, under 35 U.S.C. § 102(b), as being anticipated by the French patent to Courrier Jean Paul, hereinafter Courrier '921. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference must disclose each and every limitation of the presently claimed invention.

The Applicant notes that the Courrier '921 reference was only mentioned in the International Preliminary Examination Report of the PCT case as constituting general

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background not affecting the novelty or the inventive step of the present invention. Initially, the Applicant points out that Courier '921 is an unregulated pressure system. Observing Figs. 1 and 2 of the reference, all the applied pressure from the pedal 1 is imparted directly to the piston 9. Upon depression of the pedal 1, the downward force is constituted as a pressure which passes solely through a check valve, into a reservoir 7 and through a electro-directional valve 12 to operate the piston 13.

Directional valve 12 is electronically controlled by a solenoid (not numbered) to direct in a first position, as seen in Fig. 1, the full applied pressure directly to the piston 13, and, in a second position shown in Fig. 2, allow a direct return of the applied pressure from the piston along the return path to the tank 5. In other words, Courier '921 discloses an unregulated pressure system having a single isolated pressure application path, and a single isolated return path.

Contrary to the applied reference, the present invention is a regulated pressure system. In the Applicant's system a portion of the pressure generated by the cylinder A is passed to an accumulator tank C which accumulates some of the pressure as an overpressure. A pressure accumulator as is well understood in the art, has a specifically different structure and function than a mere pressure fluid reservoir in series with the pressure system disclosed in Courier '921. The accumulator tank C ensures that only the necessary portion of the applied pressure i.e., the remaining portion of the pressure, is directed to a secondary opening cylinder D, which by its piston stem T opens gate U against the action of the force of a closing spring V as set forth in paragraph 24. Thus, the Applicant has specifically recited in claim 27, "....a primary compression hydraulic cylinder A is hydraulically connected to an accumulator tank C to accumulate a portion of an applied force as an overpressure". As discussed above, Courier '921 does not disclose, teach or even suggest such a feature of regulating the applied pressure with an accumulator tank sustaining an over pressure while a remainder of the pressure is applied to the opening cylinder D.

Further to the above noted and recited feature of the presently claimed invention, the Applicant points out that claim 27 also recites the specific feature of the system "....in that the overpressure is released through a duct to an expansion tank (B) through a check valve (G) which delays discharge of the overpressure for a desired time period". Besides not accumulating overpressure, Courier '921 does not disclose either expressly, or inherently, a check valve which delays discharge of any overpressure as specifically claimed by the Applicant. As discussed all pressure in the reference system is one of applied or withdrawn from the opening piston 9 via the electro-directional valve 12.

Finally, the presently claimed invention is designed to overcome many of the drawbacks associated with the cited reference. There is no electricity necessary in the present system whereas Courier '921 needs electrical power to operate the directional valve 12. Also as discussed above, there is no regulation of the applied pressure to the referenced system. The presently claimed system also compensates for substantially great pressure peak forces acting on the system in that, "....any excessive pressure peaks from the applied force are directed through an overpressure valve (I) back to the expansion tank" as set forth in claim 27. No accounting in Courier '921 is made for any great pressure which could either damage the system or manage the speed of the actuating arms in the applied reference. As none of the above features are specifically shown by the cited reference, the Applicant respectfully request withdrawal of the anticipation rejection.

New claim 40 has been added to provide an alternative recitation of the specifically claimed features and elements of the presently claimed invention. If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the

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Courier '921 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 11, 2003.

By: 

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